

AFA  
2856  
#B/Ed  
Notice of  
Appeal  
1/11/01

New Attorney Docket No. 051481-5047  
Old Attorney Docket No. 97 P 7709 US-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John E. COOK et al.

Application No. 09/165,772

Filed: 2 October 1998

For: TEMPERATURE CORRECTION  
METHOD AND SUBSYSTEM  
FOR AUTOMOTIVE  
EVAPORATIVE LEAK  
DETECTION SYSTEMS

Group Art Unit: 2856

Examiner: J. Politzer

NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

TC 2800 MAIL ROOM

JAN - 9 2001

RECEIVED

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated 5 July 2000, rejecting claims 1-3 and 17.

1. **Extension of Time**

[X] Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 390.00	\$195.00
[x] three months	\$ 890.00	\$445.00
[ ] four months	\$1,390.00	\$695.00

01/09/2001 CVD111 00000006 500310 09165772

01 FC:117 890.00 CH  
02 FC:119 310.00 CH

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ The fee in the amount of \_\_\_\_\_ to cover the extension of time fee is enclosed.

☒ The Commissioner is authorized to charge necessary fees for such extension of time to Deposit Account No. 50-0310. The amount is **\$890.00**.

2. **Notice of Appeal Fee - 37 C.F.R. § 1.17(b)**

☐ The fee in the amount of \$310.00 to cover the appeal fee is enclosed.

☒ The Commissioner is authorized to charge the appeal fee to Deposit Account No. 50-0310. The amount is **\$310.00**.


3. **Constructive Petition**

☒ **EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: 5 January 2001

By:

  
Scott J. Anchell  
Reg. No. 35,035

CUSTOMER NO. 09629  
**MORGAN, LEWIS & BOCKIUS LLP**  
1800 M Street, N.W.  
Washington, DC 20036-5869  
(202) 467-7000